



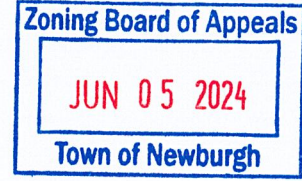
TOWN OF NEWBURGH

Crossroads of the Northeast

ZONING BOARD OF APPEALS
21 Hudson Valley Professional Plaza
Newburgh, NY 12550

OFFICE OF ZONING BOARD
DARRIN SCALZO, CHAIRMAN
SIOBHAN JABLESNIK, SECRETARY

TELEPHONE 845-566-4901
FAX LINE 845-564-7802



APPLICATION

DATED: 6/4/24

TO: THE ZONING BOARD OF APPEALS
THE TOWN OF NEWBURGH, NEW YORK 12550

I (WE) Deanna + John Saunders PRESENTLY

RESIDING AT NUMBER 23 Briarwood Cres.

TELEPHONE NUMBER (845) 597-5017

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR THE FOLLOWING:

- USE VARIANCE
- AREA VARIANCE (S)
- INTERPRETATION OF THE ORDINANCE
- SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

88-3-8 (TAX MAP DESIGNATION)

23 Briarwood Cres. (STREET ADDRESS)

R-1 (ZONING DISTRICT)

2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUB-SECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

185-19-C-1 ~~185-19-C-1~~

3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

- a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED:
6/3/24
- b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED:
N/A

4. DESCRIPTION OF VARIANCE SOUGHT: Support for non-conformity in pre-existing structure and for addition/renovation

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT: N/A

- a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)

- b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

- c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

- d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

6. IF AN AREA VARIANCE IS REQUESTED:

- a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

it will not impact neighborhood or nearby properties. It will improve the structure and look of the property

- b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

There are no other ways to achieve the same goal without needing variances.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

pre-existing non-conformity and needed variances will not impact neighborhood - will make the home look more improved.

- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

it will actually help reduce energy and efficiency.

- e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

pre-existing non-conformity is not self-created
new updates / additions are self-created
but meant to better the property and neighborhood.

7. ADDITIONAL REASONS (IF PERTINENT):

THIS renovation / addition will improve look and efficiency of home and will be a property that the town can be proud of.

Deanna Saunders / [Signature]
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 4 DAY OF June 2024

[Signature]
NOTARY PUBLIC

RHONDA ANN FISHER
Notary Public, State of New York
No. 01FI6157507
Qualified in Orange County
Commission Expires December 11, 2026

NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.

(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 13 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Addition, deck, alterations</i>			
Project Location (describe, and attach a location map): <i>23 Briarwood Cres. - addition in rear of house, back patio ^{patio} + front porch</i>			
Brief Description of Proposed Action: <i>12' x 37' addition with covered back patio, convert garage into habitable space: build new 6' x 16' front porch</i>			
Name of Applicant or Sponsor: <i>Deanna + John Saunders</i>		Telephone: <i>845-597-5017</i>	
		E-Mail: <i>deanna_6390@yahoo.com</i>	
Address: <i>23 Briarwood Cres.</i>			
City/PO: <i>Newburgh</i>		State: <i>NY</i>	Zip Code: <i>12550</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>6.197</i> acres	
b. Total acreage to be physically disturbed?		<i>8.197</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>0.197</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	NO	YES
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Deanna Saunders</u></p> <p>Signature: <u>Deanna Saunders</u></p>	<p>Date: <u>6/4/24</u></p>	

Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form
Part 2 - Impact Assessment*

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Agency Use Only [If applicable]

Project:

Date:

*Short Environmental Assessment Form
Part 3 Determination of Significance*

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



ORANGE COUNTY – STATE OF NEW YORK
 KELLY A. ESKEW, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



Recording:

Recording Fee	45.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
Notice of Transfer of Sal	10.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00

Sub Total: 205.00

Transfer Tax	
Transfer Tax - State	0.00

Sub Total: 0.00

Total: 205.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****

Transfer Tax #: 9392

Transfer Tax

Consideration: 0.00

Total: 0.00

BOOK/PAGE: 15431 / 680
 INSTRUMENT #: 20230036284

Receipt#: 3169963
 Clerk: SM
 Rec Date: 06/12/2023 09:12:47 AM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 5
 Rec'd Frm: Drake Loeb PLLC

Party1: SAUNDERS JOHN JR
 Party2: SAUNDERS JOHN JR
 Town: NEWBURGH (TN)
 88-3-8

Payment Type: Check ___
 Cash ___
 Charge ___
 No Fee ___

Comment: _____

STATE OF NEW YORK, COUNTY OF ORANGE ss:
 I, Kelly A. Eskew, County Clerk and Clerk of the Supreme
 and County Courts, Orange County, do hereby certify that I
 have compared this copy with the original thereof filed or
 recorded in my office 6/12/2023 and the same is a correct
 transcript thereof in witness whereof, I have hereunto set my
 hand and affixed my official seal 06/05/2024.

Kelly A. Eskew
 County Clerk & Clerk of the Supreme County Courts
 Orange County

Kelly A. Eskew

Kelly A. Eskew
 Orange County Clerk

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE

John Saunders, Jr.

to

John Saunders, Jr. and Deanna Saunders

SECTION 88
BLOCK 3
LOT 8
TOWN OF Newburgh
COUNTY OF Orange

**RETURN BY MAIL TO:
Glen L. Heller, Esq.
Drake Loeb, PLLC
555 Hudson Valley Avenue, Suite 100
New Windsor, NY 12553**

SCHEDULE A

FORM NO. 100-A-1954, NO. 22
REVISED 1-1-54

THE CHESHOLM PRINTING COMPANY, 325 VARICK ST., N. Y. 10014

This Indenture,

Made the 27th day of May, nineteen hundred and sixty-five

Between PHILIP WILLIAM O'HARA and MARIA O'HARA, residing at 23 Briarwood Crescent, Newburgh, New York,

parties of the first part, and

DUANE A. BURGER and CAROL BURGER, husband and wife, as tenants by the entirety, residing at 115 Waite Street, Walden, New York,

parties of the second part:

Witnesseth, that the parties of the first part, in consideration of TEN Dollars, lawful money of the United States, paid by the parties of the second part, do hereby grant and release unto the parties of the second part, their heirs and assigns forever,

all that certain lot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, known and designated as Block A, Lot 12 on a certain map known as "Development Plan, Fleetwood Manor, at Newburgh, Orange County, N. Y. which map was made by Sidney L. Horowitz, engineer, dated June, 1955 and was filed in the Orange County Clerk's Office on December 6, 1955, map #1636."

BEING the same premises conveyed by Canterbury Heights Development Corporation to the parties of the first part by deed dated September 4, 1956 and recorded in the Orange County Clerk's Office September 6, 1956, Liber 1399 Page 425.



TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801
FAX LINE 845-564-7802

2024-30

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 06/03/2024

Application No. 24-0373

To: Deanna Saunders
23 Briarwood Crescent
Newburgh, NY 12550

SBL: 88-3-8
ADDRESS: 23 Briarwood Cres

ZONE: R1

PLEASE TAKE NOTICE that your application dated 04/23/2024 for permit to build a rear 12' x 37' addition: convert the garage into habitable space: build a new 6' x 16' front porch. on the premises located at 23 Briarwood Cres is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code:

- 1) Bulk table schedule 3 requires: 50' Minimum front yard setback
- 2) Bulk table schedule 3: Maximum allowed building surface coverage is 10%
- 3) Bulk table schedule 3: Maximum allowed surface coverage is 20%
- 4) 185-19-C-1: Shall not increase the degree of non-conformity. (One side)
- 5) 185-19-C-1: Shall not increase the degree of non-conformity. (Combined side)


Joseph Mattina

Cc: Town Clerk & Assessor (500')
File

Town of Newburgh Code Compliance

OWNER INFORMATION ***BUILT WITH OUT A PERMIT*** **YES / NO**

NAME: DEANNA SAUNDERS **Application #** 24-0373

ADDRESS: 23 BRIARWOOD CRESENT NEWBURGH NY 12550

PROJECT INFORMATION: **AREA VARIANCE** USE VARIANCE

TYPE OF STRUCTURE: ADDITION, DECK, ALTERATIONS

SBL: 88-3-8 **ZONE:** R-1 **ZBA Application #** 2024-30

TOWN WATER: **YES** / NO **TOWN SEWER:** **YES** / NO N/A

	MINIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
LOT AREA					
LOT WIDTH					
LOT DEPTH					
FRONT YARD	50'		30.6'	19.4'	38.8%
REAR YARD					
ONE SIDE YARD	30'	2'	INCREASING DEGREE NON-CONFORMITY		
COMBINED SIDE YARDS	80'	17.4'	INCREASING DEGREE NON-CONFORMITY		
BUILDING COVERAGE	10%= 858 SF		2000 SF	1142 SF	57.00%
SURFACE COVERAGE	20%= 1716 SF		2576 SF	860 SF	50.00%

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1 **YES** / NO
 2 OR MORE FRONT YARDS FOR THIS PROPERTY YES / NO
 CORNER LOT - 185-17-A YES / NO

ACCESSORY STRUCTURE:

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4 YES / NO
 FRONT YARD - 185-15-A YES / NO
 STORAGE OF MORE THEN 4 VEHICLES YES / NO
 HEIGHT MAX. 15 FEET - 185-15-A-1 YES / NO
 10% MAXIMUM YARD COVERAGE - 185-15-A-3 YES / NO

NOTES: Rear addition: Converting the garage into habitable space: New front porch

REVIEWED BY: Joseph Mattina **DATE:** 3-Jun-24









**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

I Deanna Saunders, being duly sworn, depose and say that I did on or before
June 11, 2024, post and will thereafter maintain at
23 Briarwood Crescent 88-3-8 R1 Zone in the Town of Newburgh, New York, at or near the front
property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which
notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Deanna Saunders

Sworn to before me this 5

day of June, 2024.
Rhonda Ann Fisher

RHONDA ANN FISHER
Notary Public, State of New York
No. 01FI6157507
Qualified in Orange County
Commission Expires December 11, 2026

